

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8475 of 1990

For Approval and Signature:

Hon'ble , MISS JUSTICE R. M. DOSHIT.

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.

2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge? No.

IBRAHIM ABBASALI RAJ

Versus

DIRECTOR

Appearance:

MR PV HATHI, Advocate, for Petitioner

MR. VB GARANIA, Asstt. Govt. Pleader.

CORAM :-MISS R.M. DOSHIT, J.

Date of decision: 04/11/96

ORAL JUDGEMENT

The petitioner was appointed as Social Welfare Officer under the respondents. While he was serving as an Accountant on 22-1-1990 a charge-sheet was issued against him for alleged misconduct of remaining absent from duty. The petitioner has challenged very issuance of the charge-sheet and initiation of disciplinary action against him. Pending this petition, the inquiry

instituted against the petitioner proceeded further. Under order dated 17-2-1992 made by the Social Welfare Officer the petitioner has been exonerated of the charges levelled against him. In view of the said order, the cause of action does not survive. The petition has, therefore, become infructuous.

2. Learned Advocate Mr. Hathi appearing for the petitioner, however, submits that inspite of his exoneration the petitioner has not been given consequential benefits. The petitioner has also not been given salary for the period spent under leave and for the period for which he was not permitted to report for duty. It is the administrative function of the respondents to make necessary consequential orders pursuant to the disciplinary action held against the government servant. In the present case, since the petitioner has been exonerated the Government ought to have made necessary consequential orders. Mr. Hathi has submitted that the petitioner has made several representations in this respect, however, the same have not been responded.

3. In the circumstances, it is directed the respondents shall consider the representation made by the petitioner on 24-8-1994 within a period of two months from the date of receipt of copy of this order. Decision that may be taken by the respondents shall be communicated to the petitioner forthwith.

4. The petition is allowed to the aforesaid extent. Rule is made absolute with costs.

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